

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Monique West	Team: Squad #2	CCRB Case #: 201602323	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 03/19/2016 1:24 PM	Location of Incident: West 59th Street and the Avenue of the Americas	Precinct: 22	18 Mo. SOL 9/19/2017	EO SOL 9/19/2017	
Date/Time CV Reported Sat, 03/19/2016 3:18 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 03/19/2016 3:18 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			
3. POM Alexandre Bradshaw	30280	936235	BXROBSQ

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B. POM Alexandre Bradshaw	Force: Police Officer Alexander Bradshaw used physical force against § 87(2)(b)	
C. An officer	Force: An officer used physical force against § 87(2)(b)	

Case Summary

On March 19, 2016, at approximately 1:24 p.m., § 87(2)(b) encountered Police Officer Alexander Bradshaw of the Bronx Robbery Squad and other unidentified officers during an anti-Donald Trump rally at West 59th Street and the Avenue of the Americas in Manhattan. During this interaction, officers allegedly pushed individuals (**allegation A**) and Police Officer Bradshaw allegedly pushed § 87(2)(b) (**allegation B**). Approximately five minutes later, an unidentified officer also allegedly pushed § 87(2)(b) (**allegation C**). No arrests or summonses resulted from these interactions.

§ 87(2)(g)

Several arrests were made during this protest but none appeared to be directly related to § 87(2)(b) or the allegations he observed. There were no other CCRB complaints filed regarding this protest. Video footage of the protest was obtained from § 87(2)(b) and from TARU. These videos did not appear to be directly related to the allegations made by § 87(2)(b). § 87(2)(b) provided three videos to the CCRB. None of them capture the allegations he made that fall within the jurisdiction of the CCRB; however, they can be viewed in IA #7 and IA #36.

Mediation, Civil and Criminal Histories

- Mediation was offered to but rejected by § 87(2)(b) § 87(2)(b)
- As of April 11, 2016, § 87(2)(b) has not filed a notice of claim regarding this incident (Board Review 02). On April 15, 2016, an update was requested and will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Police Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 04).
- This is the first CCRB allegation against Police Officer Bradshaw during his 11 year tenure with the NYPD (Board Review 09).

Potential Issues

- This incident occurred during the anti-Trump rally in which hundreds of officers and thousands of civilians were present. § 87(2)(b) went to this rally alone and did not know any of the civilians who were present. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Police Officer Identification

- § 87(2)(b) identified the first officer who pushed him from one of the videos he recorded as Police Officer Bradshaw. In this video, § 87(2)(b) states the officer's name and shield number. Police Officer Bradshaw admitted that he heard § 87(2)(b) saying his name and stating that he had his name and shield number although he did not know why § 87(2)(b) wanted this information. § 87(2)(g)

- § 87(2)(b) alleged that an officer, who he could only describe as a black male, pushed him. He further alleged that the push caused him to stumble and to sustain pain to his ankle which he did not seek medical attention for. The push was not captured in any of the video footage of the incident and § 87(2)(b) could not identify the officer by name. § 87(2)(b) stated that he would not be able to identify the officer by photograph and he did not recall what the officer's uniform looked like. § 87(2)(b) viewed all of the video footage but did not see this officer. Police Officer Bradshaw did not know any of the officers who had been in his immediate vicinity during the rally and could not identify any of them by name nor did he see an officer make physical contact with § 87(2)(b). § 87(2)(b) also made a general allegation that officers pushed civilians; however, he was unable to describe or identify any of these officers. Due to the nature of this ongoing event, hundreds of officers from various commands were in the vicinity during the incident. § 87(2)(g)

Allegations not pleaded

- **Abuse:** When § 87(2)(b) filed this complaint, he alleged that officers refused to provide their names and shield numbers. During his sworn statement, he stated that he never asked an officer for their name or shield number. He explained that he asked an individual wearing an NYPD jacket who he assumed was an officer; however, the individual informed him that he was a civilian and a lawyer and upon review of the video, he determined that the individual was, in fact, not an officer. § 87(2)(g)
- **Force:** When § 87(2)(b) filed this complaint, he alleged that officers pepper sprayed individuals. In his sworn statement, he stated that he did not see anyone get pepper sprayed. He only smelled pepper spray in the air and heard people state that someone had been pepper sprayed. § 87(2)(g)
- **Force:** § 87(2)(b) alleged that he observed a female with pink hair get “thrown” to the ground and recorded this interaction on video. He did not recall seeing her get “thrown” to the ground at the time of the incident and only recalled this from the video footage he recorded. A clip of this video footage, seen below, shows two female civilians, one with pink hair, in the street past the barricades, in the middle of a crowd of officers who are attempting to keep the crowd back (The full video can be found in IA#17). The female with the pink hair appears to push or attempt to push an officer. Several officers appear to push both females approximately a foot or two back towards the rest of the crowd on the other side of the barricades. Neither push appears particularly forceful and neither female appears to fall to the ground, strike any objects, or be moved a significant distance as a result of the pushes. The video does not show the female with the pink hair get “thrown” or fall to the ground as alleged by § 87(2)(b) § 87(2)(g)



201602323_20160407_1525_DM.mp4

Allegation A- Force: Officers used physical force against individuals.

Allegation B- Force: Police Officer Alexander Bradshaw used physical force against § 87(2)(b)

§ 87(2)(b)

Allegation C- Force: An officer used physical force against § 87(2)(b)

On March 19, 2016, § 87(2)(b) filed this complaint with the CCRB and on March 23, 2016, § 87(2)(b) provided a sworn statement to the CCRB (Board Review 05). On April 6, 2016, Police Officer Bradshaw was interviewed at the CCRB (Board Review 06).

It is undisputed that, at the time of the incident, officers had used their bodies as barriers, by linking arms to prevent the crowd from crossing over to 6th Avenue and that the crowd, which included § 87(2)(b) moved forward towards the officers in attempt to cross the street.

§ 87(2)(b) alleged that at that point, the officers, whose arms were linked together, began pushing their bodies into the crowd. § 87(2)(b) alleged that Police Officer Bradshaw was the officer standing directly in front of him and that Police Officer Bradshaw used his chest, shoulders and arms to push him back, causing him to stumble back. He also alleged that officers used metal barricades to block the crowd from walking in that direction and that officers picked up these barricades and pushed them into the crowd. Approximately five minutes later, an officer who § 87(2)(b) could only describe as a black male, allegedly pushed his hand into § 87(2)(b) right shoulder. § 87(2)(b) stumbled back, causing pain to his right ankle. § 87(2)(b) did not seek medical attention for this injury. This push occurred as the crowd, which included § 87(2)(b) were still attempting to cross the street against the officers' directives. Soon after this, § 87(2)(b) heard audio recordings requesting that the protesters not get off the sidewalk and to "keep the sidewalk moving." In one of § 87(2)(b) videos, as seen below, someone can be heard stating, "We are ordering everyone to move onto the sidewalk at this time. If you continue to walk in the roadway, you may be arrested for disorderly conduct in violation of the New York City Penal Law."



201602323_20160411_1109_DM.mp4

As seen in video 201602323_20160407_1525_DM.mp4 (found in the allegations not pleaded section), the officers appear to have built a barricade at the edge of the sidewalk; however, there are several members of the crowd on the other side of the barricades, in the street and in the midst of the officers standing behind the barricade. At least one of these individuals appeared to have been attempting to push the officers in the street.

Police Officer Bradshaw stated that prior to the start of the rally, he and the other officers were informed by their superiors that the crowd was to walk towards 5th Avenue from Columbus Circle and make a right onto 5th Avenue where they would walk up to 57th Street. From the start of the rally, the crowd went off of their route and walked through Central Park. When they exited Central Park, they attempted to cross the street onto 6th Avenue. The officers screamed, "Hold the line" and linked arms to prevent the crowd from doing so and to guide them along their original route. At the same time, a portable PA system followed the crowd and announced that they could be arrested if they went into the street. Police Officer Bradshaw recognized § 87(2)(b) as one

of the individuals near the front of the crowd as the crowd was pushing towards the officers. The officers ordered the crowd to “stand back” and to “stay out of the street.” Police Officer Bradshaw stated that other than interlocking arms with his fellow officers, he did not do anything else in attempt to keep the crowd back and he did not recall seeing any of the officers around him do anything else. He did not see any officers lift barricades and push them into the crowd. Police Officer Bradshaw stated that he did not intentionally push § 87(2)(b) or any other civilians back. He did not recall having any physical contact with § 87(2)(b) or any other civilian and did not see any officer make physical contact with § 87(2)(b).

Patrol Guide Procedure 213-11 directs officers to provide police presence and crowd control at special events. Patrol Guide Procedure 213-15 directs officers to ensure the orderly passage of participants, the safety of spectators and the efficient rerouting of traffic at parades, demonstrations, and other large scale special events. Patrol Guide Procedure 203-11 states that only the amount of force necessary to overcome resistance should be used by officers. According to Penal Law article 195.05, a person is guilty of obstructing governmental administration (OGA) when he or she intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference (Board Review 07). A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he obstructs vehicular or pedestrian traffic (Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

Squad: 2

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date